

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DEVONTE B. HARRIS,)	Case No.: 1:21-cv-01372 JLT HBK (PC)
)	
Plaintiff,)	ORDER DISMISSING THE ACTION WITH
)	PREJUDICE AND DIRECTING CLERK OF
v.)	COURT TO CLOSE CASE
)	
E. MUNOZ and J. CERDA,)	(Docs. 46, 48)
)	
Defendants.)	
)	

Devonte B. Harris asserts the defendants violated his civil rights under the First Amendment. (*See* Docs. 14, 27.) Plaintiff moved to “voluntarily dismiss his complaint with prejudice” on February 3, 2025. (Doc. 46 at 1.) A plaintiff may voluntarily dismiss an action without a court order by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). However, Defendants filed a motion for summary judgment on October 18, 2024. (Doc. 43.) Therefore, the Court construed Plaintiff’s request as a motion for voluntary dismissal and ordered Defendants to file a response. (Doc. 47, citing Fed. R. Civ. P. 41(a)(2).) Defendants filed a notice of non-opposition, indicating “they have no opposition to the Motion and join in Plaintiff’s request to have the Complaint dismissed with prejudice.” (Doc. 48 at 2.)

Pursuant to Rule 41(a)(2), the Court may dismiss an action “at the plaintiff’s request... on terms that the court considers proper.” Fed. R. Civ. P. 41(a)(2). Based upon Plaintiff’s request

1 for voluntary dismissal and Defendants' joinder in the motion, the Court finds dismissal with
2 prejudice is proper. Thus, the Court **ORDERS**:

- 3 1. Plaintiff's request to dismiss (Doc. 46) is **GRANTED**.
- 4 2. This action is **DISMISSED WITH PREJUDICE**.
- 5 3. The Clerk of Court is directed to terminate pending motions and **CLOSE** the case.

6 IT IS SO ORDERED.

7 Dated: **February 21, 2025**


UNITED STATES DISTRICT JUDGE